

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Chapter
7 Estate of Bernard L. Madoff,

Plaintiff,

v.

BNP PARIBAS ARBITRAGE SNC,

Defendant.

Adv. Pro. No. 11-02796 (CGM)

**STIPULATION AND ORDER
CONCERNING TRUSTEE'S AMENDED COMPLAINT**

Plaintiff Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and the chapter 7 estate of Bernard L. Madoff, and defendant BNP Paribas Arbitrage SNC (“Defendant” and, together with the Trustee, the “Parties”), by and through their respective undersigned counsel, state as follows:

WHEREAS, on April 11, 2023, the Bankruptcy Court entered a Stipulation and Order concerning leave for the Trustee to file an amended complaint in this action, providing, among other things, that if Defendant consents to the Trustee's filing of an amended complaint, a subsequent stipulation and order would be filed memorializing the same. *Picard v. BNP Paribas Arbitrage SNC*, Adv. Pro. No. 11-02796 (CGM) (Bankr. S.D.N.Y. Apr. 11, 2023), ECF No. 96 (the "Stipulation Regarding Leave");

WHEREAS, pursuant to the Stipulation Regarding Leave, the Trustee provided a copy of the proposed Amended Complaint on May 11, 2023; and

WHEREAS, Defendant consented to the Trustee's filing of the proposed Amended Complaint on May 22, 2023;

IT IS HEREBY STIPULATED AND AGREED, by and among the Parties, and **SO ORDERED** by the Court that:

1. The Trustee shall file the proposed Amended Complaint, attached as Exhibit 1, upon entry of this Stipulation and Order.
2. Defendant shall answer, move, or otherwise respond to the Amended Complaint within 75 days of the filing of the Amended Complaint.
3. To the extent Defendant's response takes the form of a motion to dismiss, the Trustee shall respond to the motion within 60 days, and Defendant will file any reply brief in support of the motion within 30 days thereafter.
4. The deadlines established herein are without prejudice to either Party seeking further extensions of time; and
5. For the avoidance of doubt, all Parties' rights, arguments, objections, and defenses including, without limitation, in respect of personal jurisdiction, any attempted service of

the Amended Complaint, and the timeliness of any claims asserted in the complaint
(whether arising under Rule 15 of the Federal Rules of Civil Procedure or any other rule
or applicable law), are not modified, impaired, waived or otherwise affected in any way
by this stipulation and are expressly preserved.

Dated: May 25, 2023
New York, New York

By: /s/ Torello H. Calvani
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Madoff Investment Securities LLC and the
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Attorneys for BNP Paribas Arbitrage SNC

Dated: May 25, 2023
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge